

## REMARKS

### *Status of the Application:*

Claims 1–29 are the claims of record of the application. Claims 1–29 have been rejected.

Please note that under status in the Office Action summary it says “Responsive to Communication filed on January 29, 2004”. The undersigned would like to point out that a preliminary amendment was filed on September 16, 2004 and was entered according to Private PAIR. The current listing of claims incorporates this preliminary amendment.

### *Claim Objections*

The claims were objected to because the lines were crowded too closely together. The listing of claims attached hereto is believed to overcome this objection.

Claim 18 was objected to because of the two periods. Claim 18 has been amended to correct this defect.

### *Claim Rejections -35 USC § 112 Second Paragraph (Indefiniteness)*

Claim 2 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, the examiner asserted that the word “substantially” was considered as being indefinite for failing to particularly point out and distinctly claim the subject matter. Appropriate correction is required. Applicants respectfully disagree. The term “substantially” is definite because one of ordinary skill in the art would understand what is meant by “substantially conforming” to a standard. One of ordinary skill in the art would understand, for example, that often there is substantial conformity, not exact conformity in every detail and limitation. See MPEP 2173.05(b) which states

#### D. “Substantially”

The term “substantially” is often used in conjunction with another term to describe a particular characteristic of the claimed invention. It is a broad term. In re Nehrenberg, 280 F.2d 161, 126 USPQ 383 (CCPA 1960). The court held that the limitation “to substantially increase the efficiency of the compound as a copper extractant” was definite in view of the general guidelines contained in the specification. In re Mattison, 509 F.2d 563, 184 USPQ 484 (CCPA 1975). The court held that the limitation “which produces substantially equal E and H plane illumination patterns” was definite because one of ordinary skill in the art would know what was meant by “substantially equal.” Andrew Corp. v. Gabriel Electronics, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988).

### *Claim Rejections -35 USC § 101*

**Claims 26–27** were rejected under 35 USC 101 because the examiner asserted that claimed invention is directed to non-statutory subject matter. The Examiner suggested changing **claims 26–27** from "a carrier medium carrying one or more computer-readable code segments" to -- computer-readable medium encoded with computer readable instructions--. Such amendments have been made. The claim rejections under 35 USC 101 are therefore believed overcome.

### *Claim Rejections -35 USC § 103*

The examiner has rejected claims 1–29 under 35 USC 103(a) as being unpatentable over FUJII et al. (US PGPUB 2003/0117985 A1) in view of Whelan et al. (US PGPUB 2004/0003285 A1).

FUJII et al. (hereinafter Fujii) disclose a simple method of sniffing at client devices. Fujii's includes devices sniffing for signals received from potential unregistered APs. Note that 1) Fujii's method is only at client devices; 2) Fujii's method is simple: a list of registered APs is maintained. Only identification information, information related to intensities received from a registered AP at the client, and any known location of the registered AP is maintained. Client devices listen for beacons and send simple information on beacons for checking against information on registered APs. Identification information is used, and the table looked up. In one version, if the AP is not a registered AP, the intensity is used to check against intensity received from a known AP at a known location to roughly ascertain the location.

Fujii's ascertaining method is similar to prior art methods already disclosed in the present disclosure, except that Fujii's method is limited to being at client devices. See for example, paragraph [0015] of the present application that describes sniffing for signals sent by potential rogue access points, albeit a method different than Fujii's because Fujii only discloses a method involving of receiving signals from potential unregistered APs *at client devices*.

Applicants here described a method that uses *managed stations*, e.g., *managed APs*. Claim 1 and the other independent claims has been amended to explicitly recite what is meant by a managed AP, and Applicants went to some trouble to describe managed stations. See for example, paras. [0030] to [0047] and elsewhere. Claim 1 explicitly states that a managed AP is an AP whose configuration is managed by a central management entity, the information about managed APs maintained in the database including information related to how each managed AP is configured.

Furthermore, Applicant's method goes far beyond that simple lookup of Fujii. Applicants have specifically added to the analyzing step the limitation of claim 4 (and cancelled claim 4), to include that the analyzing includes comparing configuration information in the received report related to the beacon or probe response with information stored in the AP database about the configuration of managed APs.

This feature is not described or suggested by Fujii. When commenting on claim 4, the examiner erroneously suggests Fujii discloses this feature in paragraph [0045]. This paragraph is repeated herein:

[0045] Subsequently, on the basis of a process of detecting illegal APs, it is determined whether or not there are any illegal APs (step S207). If it is determined that there are no illegal APs, the procedure returns to step S201 to continue the process. If it is determined that there is an illegal AP, a warning is issued to the user of the controller 20 via the I/O section 24 (step S209). Subsequently, the procedure returns to step S201 to continue the process.

This does not disclose configuration information, but merely a decision point in the flowchart described in Fujii. Fujii does not include configuration information in an AP database. Fujii's AP's are not "managed APs."

Therefore, claim 1, as amended, is believed allowable over Fujii and over the combination of Fujii and Whelan et al.

Regarding **claim 18**, Applicants have added similar limitation on managed APs and on the analyzing using configuration information maintained in the AP database. As argued above, neither Fujii, not the combination of Fujii and Whelan et al. disclose, suggest or otherwise render obvious to one of ordinary skill in the art the features of claim 18, as amended.

Similarly, with respect to all other independent claims, Applicants have added similar limitation on managed APs and on the analyzing using configuration information maintained in the AP database. As argued above, neither Fujii, not the combination of Fujii and Whelan et al. disclose, suggest or otherwise render obvious to one of ordinary skill in the art the features of each independent claim, as amended.

The claims are believed allowable, and allowance thereof is respectfully requested.

Even if the examiner remains unconvinced about the arguments about claim 4 (now incorporated into claim 1), the Applicants traverse many of the examiner's rejections of the dependent claims.

As an example, **with respect to claim 5**, the examiner asserts that Fujii discloses that "the analysis further includes determining the approximate location of the potential rogue AP in order to further ascertain whether the potential rogue AP is likely to be a rogue."

Applicants respectfully but vigorously disagree. Fujii does not disclose much on location determining. Fujii describes in the summary using intensities of signals received at client stations and storing intensities of signals received from known APs at known locations. Once a client or controller has stored the location information on installed access points, Fujii states no more than calculating the position of the unregistered access points on the basis of the intensities received from the non-registered access points, and on location and received signal intensities from the registered access points. See for example Fujii's parag. [0014]. In the detailed part of the specification, in paragraph [0046], Fujii elaborates

by stating that that having the intensity of a signal from a registered AP and the intensity of a signal from a non-registered AP, the client is able to determine how far it is from the location at which each regular AP is installed and to determine the rough location of the illegal AP on the basis of the intensity of a signal from the illegal AP recognized by the client. This is the extent of Fujii's disclosure.

Applicants submit that this "rough location" is rough indeed. Comparing intensities does not provide a good indication of the difference in location, e.g., because of transmit power, and also because the location of the clients is not known. Furthermore, Applicants have amended claim 5 to state that the determining the approximate location uses "a location determining method that uses information determined from signals received from the potential rogue AP at a plurality of managed APs whose locations are known or at stations whose respective locations are known or determined, and calculating a likely location using the determined information."

There is no disclosure or suggestion of such location determining in Fujii et al.. Also Whelan's abstract does not disclose this feature.

For these reasons, and in view of the above amendment, this application is now considered to be in condition for allowance and such action is earnestly solicited.

### *Conclusion*

The Applicants believe all of Examiner's rejections have been overcome with respect to all remaining claims (as amended), and that the remaining claims are allowable. Action to that end is respectfully requested.

If the Examiner has any questions or comments that would advance the prosecution and allowance of this application, an email message to the undersigned at dov@inventek.com, or a telephone call to the undersigned at +1-510-547-3378 is requested.

Respectfully Submitted,

March 23, 2007

Date

/Dov Rosenfeld/ #38687

Dov Rosenfeld, Reg. No. 38687

Address for correspondence:

Dov Rosenfeld  
5507 College Avenue, Suite 2,  
Oakland, CA 94618  
Tel. 510-547-3378  
Fax: +1-510-291-2985  
Email: dov@inventek.com